



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

Mr. Jose L. Aguayo  
Center for Health, Environmental & Justice  
P.O. Box 6806  
Falls Church, VA 22040

Freedom of Information Act Request  
Appeal Number: EPA-HQ-2013-009580 (EPA-HQ-2013-007218)

Dear Mr. Aguayo:

This is in response to your September 3, 2013, Freedom of Information Act (FOIA) appeal. You appealed the July 30, 2013, decision of Dana Stalcup, Associate Director of Headquarters Superfund - Assessment and Remediation Division and EPA Region 7. All documents pe Your June 10, 2013, FOIA request sought information regarding the National Remedy Review Board's (NRRB) review of the clean-up plans for the West Lake Landfill in St. Louis, Missouri.

On September 30, 2013, Kevin Miller in EPA Headquarters Office of General Counsel affirmed your appeal. Your request has been reprocessed by Region 7 for production of all reasonably segregable and non-exempt portions of records.

The information responsive to your request is enclosed. It was necessary to withhold certain documents and redact information from some of the documents produced. This information has been determined to be exempt from mandatory disclosure by virtue of Sections 552(b) (5) and (7)(a) of the Freedom of Information Act, 5 U.S.C. §§ 552(b) (5) and (7)(a). A privilege log for this information is also enclosed.

The basis for this partial denial is 40 C.F.R. §§ 2.105(a) (5) and (7)(a). These sections of the regulations promulgated under the Freedom of Information Act exempt from mandatory disclosure:

- inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the affected agency because of the



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- deliberative process, attorney work-product and attorney-client privileges; and,
- records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information could reasonably be expected to interfere with enforcement proceedings.

If you have questions regarding these documents, please contact Audrey Asher in our Office of Regional Counsel at 913-551-7255.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service will be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,

David Cozad  
Regional Counsel

Enclosures